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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,256

06/22/2005

Andrew Peter Gower

36-1910

8673

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01/10/2008

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EXAMINER

KIM, TAE W

ART UNIT

PAPER NUMBER

2887

MAIL DATE

DELIVERY MODE

01/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/540,256

Applicant(s)

GOWER ET AL.

Examiner

Tae W. Kim

Art Unit

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 8/4/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 and 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bjorn (US 20010040987 A1).

Re claim 1: Bjorn discloses a method to create within a computer system, an association (1150 in fig 11B) between the appearance of a token (token = finger print, which are captured and digitized: 525 in fig 5, Fig 12B) and one or more stored files (par 0108: "The user can associate files and applications which can be opened automatically after a successful fingerprint validation process."), comprising the steps of: measuring said appearance of said token (fig 5); creating a token identity from the obtained measurement (1145 in fig 11B); storing said electronic identity in an identity store (1145 in fig 11B); and associating said one or more stored files with said token identity (1150, 1155, 1160 & 1165 in fig 11B).

Re claim 2: Bjorn discloses a method to create within a computer system, an association (1150 in fig 11B) between the appearance a token (token = finger print, which are captured and digitized: 525 in fig 5, fig 12B) and information of the location (1165 in fig 11B) of one or more files, comprising the steps of: measuring said appearance of said token (fig 5); creating a token

identity from the obtained measurement (1145 in fig 11B); and storing said electronic identity in an identity store (1145 in fig 11B); and associating said token identity with said information of the location of one or more files (1165 in fig 11B).

Re claim 3: Bjorn discloses a method to retrieve one or more stored files within a computer system (fig 13), by use of a stored token identity (1145 in fig 11B, 1330 in fig 13) created from measuring the appearance of a token (fig 5), where said token identity is associated with said one or more stored files (1150 & 1155 in fig 11B), comprising the steps of: creating a subsequent identity for said token by measuring said appearance again (1330 in fig 13, par 0128); searching for a match for said subsequent identity with said token identity (1330 in fig 13); upon the location of a match, retrieving said one or more stored files which are associated with said stored token identity (par 0129 - 0130).

Re claim 4: Bjorn discloses a method to create within a computer system, an association (1150 in fig 11B) between the appearance of a token and one or more stored files (1150- 1165 in fig 11B) for the purpose of retrieving and presenting said one or more stored files (par 1325- 1365), comprising the steps of: measuring said appearance of said token (525 in fig 5, fig 12B); creating a token identity from the obtained measurement (1145 in fig 11B, 1330 in fig 13); storing said token identity in an identity store (1145 in fig 11B: "database"); associating within said computer system, said stored file with said token identity (1145, 1150, & 1155 in fig 11B) subsequently measuring said appearance of said token (fig 5); creating a subsequent identity for said token using subsequent measurement data obtained from said subsequent measurement (1145 in fig 11B); searching in said identity store for a match with said subsequent identity (1130

in fig 13); upon the location of a match, retrieving said one or more stored files (1365 in fig 13); and presenting said retrieved file to a user.

Re claim 5: Bjorn discloses a method according to claim 1, wherein said appearance of said token is the size and/or shape (fig 12B & 12C) and/or colour of said token.

Re claim 9: Bjorn discloses apparatus to create within a computer system, an association between the appearance a token and one or more stored files (1150- 1165 in fig 11B), comprising: measuring means (260 in fig 2, 860 in fig 8) by which said appearance of said token can be measured (525 in fig 5, fig 12B); processing means to create a token identity from measurement (1145 in fig 11B, 1330 in fig 13); data obtained by said measuring means (535 in fig 5); an identity store (1145 in fig 11B: database) to store said token identity; a file store to store said one or more files (1040 in fig 10); and means to associate said token identity and said files (1150 – 1165 in fig 11B).

Re claim 10: Bjorn discloses apparatus to create within a computer system, an association between the appearance a token (1150- 1165 in fig 11B) and information of the location of one or more files (1165 in fig 11B), comprising: measuring means (260 in fig 2, 860 in fig 8) by which the appearance of said token is measured (525 in fig 5, fig 12B); processing means to create a token identity from measurement data obtained by said measuring means (1145 in fig 11B, 1330 in fig 13); an identity store to store said token identity (1145 in fig 11B: database); a location information store to store said file location information (1165 in fog 11B : “boot sector”); and means to associate said token identity and said file location information (1150-1165 in fig 11B).

Re claim 11: Bjorn discloses apparatus to retrieve within a computer system, one or more stored files by use of a token identity created from measuring the appearance of a token (1325-1365 in fig 13), where said token identity is associated with said one or more stored files (1150-1165 in fig 11B), comprising: measuring means (260 in fig 2, 860 in fig 8) by which said appearance of said token is measured (525 in fig 5, fig 12B); means to create a subsequent identity for said token from measurement data obtained from said measuring means (1145 in fig 11B); means to search for a match for said subsequent identity with said token identity (1330 in fig 13); and means to retrieve said one or more stored files, based on the identification of a match or a partial match between said subsequent identity and said token identity (1325-1365 in fig 13, par 0128-0130).

Re claim 12: Bjorn discloses apparatus to create within a computer system, an association between a token and a stored file for the purpose of retrieving and presenting said stored file (1325-1365 in fig 13), comprising: measuring means (260 in fig 2, 860 in fig 8) by which the appearance of said token is measured on the first and subsequent occasions (525 in fig 5, fig 11A, fig 12B); processing means (860, 810, & etc... in fig 8) to create a token identity and a subsequent identity from measurement data obtained from said measuring means (1145 in fig 11B); an identity store to store said token identity (1145 in fig 11B: database); a file store (1040 in fig 10) to store said files; means to associate said token identity and said files (1150-1165 in fig 11B); searching means to find a match with said subsequent identity in said identity store (1330 in fig 13); means to retrieve files associated with said token identity, based on the identification of a match or a partial match between said subsequent identity and said token

identity (1325-1365 in fig 13, par 0128-0130); and presentation means by which said retrieved files are presented to a user (130 in fig 1, 1050 in fig 10).

Re claim 13: Bjorn discloses apparatus according to claim 9, wherein said processing means performs the task or tasks of: creating a token identity (1145 in fig 11B) and/or subsequent identity; and associating said token identity with said one or more files (1150-1165 in fig 11B); and/or searching to find a match with said subsequent identity; and/ retrieving said one or more files.

Re claim 14: Bjorn discloses apparatus according to claim 9, further including means to control the measuring environment (840 in fig 8, par 0083: "light source").

Re claim 15: Bjorn discloses apparatus according to claim 14, wherein said control means is a light source (840 in fig 8, par 0083: "light source").

Re claim 16: Bjorn discloses apparatus according to claim 9 taking a unitary form (fig 2: Bjorn's system represented by fig 2 can be implemented either as a modular architecture or as a unitary architecture.).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjorn (US 20010040987 A1) in view of Katsumura (US 6424738 B1).

Re claim 6: Bjorn discloses a method according to claim 1, wherein said token identity is created from measurements of said appearance.

However, Bjorn does not disclose or fairly suggest the one or more other physical characteristics of said token.

Katsumura however discloses the one or more other physical characteristics (fig 4: color and size) of a token (Token is an item that can be associated with file(s) in a computer in for the purpose of simplifying storage and retrieval of the file(s). Then, in Katsumura reference, the actual article is token, whose physical characteristic is associated with a image file of itself in the computer.).

Therefore, it would have been obvious at the time the invention was made to a person having ordinarily skill in the art to incorporate Katsumura's teaching in Bjorn's method for the purpose of enhancing accuracy of the matching process by adding another dimension of physical characteristic of the token to be processed.

Re claim 7: Bjorn discloses a method according claim 6.

However, Bjorn does not disclose or fairly suggest that a measurement of the weight of said token is used in the creation of said token identity.

Katsumura discloses that a measurement of various physical measurement of a token is used in the creation of said token identity (including open-ended "input other feature data" in B21 in fig 7C). Therefore, it would be obvious to add measuring weight of the Katsumura's token in addition other physical characteristics such as the size and color.

Therefore, it would have been obvious at the time the invention was made to a person having ordinarily skill in the art to incorporate the step of measuring weight in Bjorn's method



for the purpose of enhancing accuracy of the matching process by adding another dimension of physical characteristic of the token to be processed.

Re claim 8: Bjorn discloses a method according to claim 1.

However, Bjorn does not disclose or fairly suggest that the measurement data of said appearance and/or one or more other characteristics of is prioritised in the creation of said token identity, by ascribing to each a value relative to each other.

Katsumura however discloses that measurement data of said appearance and/or one or more other characteristics of is prioritised in the creation of said token identity, by ascribing to each a value relative to each other (figs B6 in 7A, B11 in 7B, & B21 in 7C: Reference presents prioritized order of "Input Color – Input size – Input other feature data" ).

Therefore, it would have been obvious at the time the invention was made to a person having ordinarily skill in the art to incorporate Katsumura's teaching in Bjorn's method for the purpose of logically narrowing the match results.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae W. Kim whose telephone number is 571-272-5971. The examiner can normally be reached on Mon-Fri 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve S. Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tae W. Kim  
Art Unit 2887  
Patent Examiner

TWK



SEUNG HO LEE  
PRIMARY EXAMINER